

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CHARLES W. HEARNE,
surviving husband of
MARTHA G. HEARNE,

CASE NO. 05-115MJD/JGL

Plaintiff,

vs.

MEDTRONIC, INC., a Minnesota
Corporation; MEDTRONIC AVE,
INC., a Delaware Corporation, and
a Division of MEDTRONIC, INC.,

Defendants.

ORDER TO DISMISS CLAIMS WITH PREJUDICE AND WITHOUT COSTS

Based on the Stipulation of the Parties (Docket No. 20), and pursuant to Rule 41(a)(ii) of the Federal Rules of Civil Procedure, IT IS HEREBY ORDERED that the above-entitled matter is dismissed WITH PREJUDICE, with each party to bear its own costs.

Dated: August 19, 2005 .

BY THE COURT:

s/ Michael J. Davis
The Honorable Michael J. Davis
United States District Court Judge
District of Minnesota